

**UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON**

**UNITED STATES OF AMERICA,**

**Case No. 6:13-CR-00132-AA**

**Plaintiff,**

**STIPULATION AND ORDER  
VACATING AND SETTING ASIDE  
SENTENCE PURSUANT TO 28  
U.S.C. § 2255**

**v.**

**COREY NICHOLAS AGARD,**

**Defendant.**

This matter is before the Court on defendant's motion to vacate or correct his sentence pursuant to 28 U.S.C. § 2255. Based on the Supreme Court's decisions in *Johnson v. United States*, 135 S. Ct. 2551 (2015) and *Welch v. United States*, 136 S. Ct. 1257 (2016), the parties agree to resolve this matter, without precedential value in any other case, as follows:

The sentence in this case should be vacated and set aside and that a new sentence of 57 months should be imposed without a formal resentencing.

The Statement of Reasons should be amended to reflect a guideline range of 51 to 63 months' imprisonment, based on a Total Offense Level 17 and Criminal History Category VI.

The defendant has consulted with counsel and agrees to waive his right to a resentencing hearing and allocution, and any right he may have to be present for the resentencing, and stipulates to the provisions above.

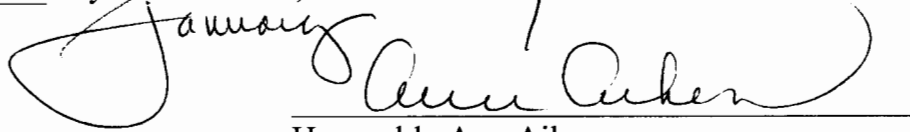
Based on the above, and the Court concurring,

IT IS HEREBY ORDERED that the sentence imposed on November 5, 2013, is hereby vacated and set aside.

IT IS FURTHER ORDERED that a sentence of 57 months is imposed. All other aspects of the judgment and commitment order previously entered in the case, including the terms and conditions of supervised release, shall remain in full force and effect. The parties stipulate that two additional conditions be imposed: that the defendant enroll in and complete an anger management program and that he participate in and successfully complete a drug treatment program as approved by the probation officer.

IT IS FURTHER ORDERED that the Statement of Reasons shall be amended to reflect a guideline range of 51 to 63 months' incarceration, based on Total Offense Level 17 and a Criminal History Category VI.

Dated this 3<sup>RD</sup> day of ~~December, 2016.~~ 2017



Honorable Ann Aiken  
United States District Court Judge

Presented upon agreement of the parties by:

s/ Craig E. Weinerman

Craig E. Weinerman  
Assistant Federal Public Defender  
Counsel for Defendant

BILLY J. WILLIAMS  
United States Attorney

s/ Frank R. Papagni Jr.

Frank R. Papagni  
Assistant United States Attorney